

Memorandum

To: Lease Application 1482
From: Justin Ferguson
Date: November 25, 2019
Re: Water Supply Bank Lease Proposal

Purpose/Narrative: The Department received an application from Mr. Rhodehouse to lease the entirety of water right 35-2924 to the Bank for a single year ending in 2020. Per the information provided on the application, the lease is intended to be a companion to an irrigation rental request for irrigation use by Mr. Paul Gunderson. As this is an industrial water right with a stockwater component, a review of the historical consumptive use is merited.

Historically, this water right originally licensed the diversion of 1.11 cfs ground water for industrial uses within the Golden Valley Packers (meat processing) facility near Roberts, Idaho. After the facility closed, the water right (and the land on which it was located) was acquired by Mr. Rhodehouse. In 2006, Mr. Rhodehouse filed a Snake River Basin Adjudication (SRBA) claim for the water right, which was accepted, and through the SRBA process, a 0.02 cfs stockwater component was added to the right, and an industrial volume of 241.0 af was also established. The water right was decreed in 2007, and two years later, it was proposed (and accepted) for lease to the Water Supply Bank (Bank).

The water right backfile provides little information on how water may have been used in the industrial meat processing facility. In the time since Mr. Rhodehouse acquired the water right, it was evidently used for dust control and gravel washing, industrial purposes associated with his gravel pit operation, which has been the predominant land and water use occurring at the place of use. Thus, the consumptive use of water historically accomplished under this ground water right is unclear.

In the time since the right has been leased to the Bank, it has been rented out for irrigation purposes numerous times, including rentals to Mr. Paul Gunderson in every year from 2016 through 2019.

Authority to File: The application was prepared by Kristin Moore on behalf of Kevin Rhodehouse and signed by Mr. Rhodehouse. No concerns of authority to file at this time.

Water Right Validity/Forfeiture Evaluation: This right was decreed in 2007 and then placed into the Bank in 2009 through 2019. No concerns about validity.

Injury Evaluation: No direct injury is apparent through the lease. However, insofar as this water right authorizes diversions from the Eastern Snake River Plain Aquifer (ESPA) and the consumptive use of water associated with this water right remains unclear, it is possible that a highly-consumptive use of ESPA water through a rental of this water right might constitute injury, if the rental contributes to increased depletions of ESPA ground water, upon which prior appropriators are dependent.

Enlargement of Use: No concerns of enlargement through the lease alone as the entirety of the right is being offered. Proper rental review should protect against enlargement.

Local Public Interest: Sustainable management of water throughout Idaho is in the local public interest, as is management of ESPA ground water specifically. As such, comments were requested from the staff at water district 120 and IDWR's Eastern Region office on January 7, 2020.

Beneficial Use/Conservation of Water Resources: No concerns about beneficial use or conservation of water resources, as it pertains to a lease of this water right.

Department/Watermaster Comments: Water district 120 and IDWR's Eastern Region comments will be requested.

Water Supply Bank Evaluation: Subject to favorable water district and regional office comments, it is recommended this lease be approved.